

# CONFLICT-RESOLUTION MECHANISMS IN UZBEK WATER USERS' ASSOCIATIONS: ONE OF THE IMPORTANT INSTITUTIONAL CRITERIA

(Conflict-resolution mechanisms of Water Users' Associations in Uzbek context)

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## ABSTRACT

The idea of the collective use of natural resources has been a well known concept in Uzbekistan for a long time. In 2000 management of the irrigation systems in Uzbekistan was handed over to farmers within the framework of structural adjustment. In the same year Water Users Associations (WUA) were established in several regions of Uzbekistan. WUAs were founded as non-governmental and non-profit organisations. As very new organisations WUAs have several administrative and structural problems. Especially prominent are institutional problems. In the past they did not matter and therefore have been overseen by other water distribution organisations such as kolkhozes and sovkhozes. Since irrigation systems belong to common pool resources it is important to examine the sustainability of institutions by a set of suitable institutional criteria. These criteria could be for example clear boundaries and well defined membership of WUA, congruent rules as well as conflict-resolution mechanisms. Conflict-resolution mechanisms are of huge importance and are provided both by statute of WUAs and in informal form (embedded in socially acceptable behaviour). However, these mechanisms do not guarantee that water users can sustain their long existing institutions (code of practice).

**Key words:** *Central Asia, Uzbekistan, Common Pool Resources, Water Users' Association, Institutions*

## INTRODUCTION

### *Overview*

The Republic of Uzbekistan is located in the middle of the Central Asian economic area, between the Amu-Darya and Syr-Darya rivers. The country stretches for 1425 kilometres from east to west and 930 kilometres from north to south ([www.uzbekistan.org](http://www.uzbekistan.org)).

The Republic of Uzbekistan is in the arid zone and is dependant on irrigation for productive agriculture. Water management in Uzbekistan constitutes a complicated and hierarchical system, where the question of efficiency and its improvement is an important issue, which extends over several years. Current irrigation institutions lack mechanisms to involve users in decision-making while public institutions are over-extended and lack accountability (INRIM Newsletter #10). There is a need to analyze options for institutional reform and then help building capacity to strengthen institutions on both the government's and user's side. WUAs are supposed to help by achieving direct cooperation between water providers and appropriators.

Disappointing performance of government owned and operated irrigation systems have compelled a number of countries to transfer rights and responsibilities for management of irrigation systems from government agencies to private or local persons or organisations. The Philippines (Wijayarathna and Vermillion 1994, Svendsen 1992), Indonesia (Soenarno 1995), China (Xu Zhifang 1995) and Sri Lanka (Ratnayake 1995) in Asia, Mexico (Goriz et al 1995) and Colombia

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(Garcia –Betancourt 1994) in Latin America, and others such as New Zealand (Farley 1994) and Turkey (Devlet su Isleri et al 1996) have made major efforts in this direction.

## **INSTITUTIONAL ASPECTS OF WATER RESOURCES MANAGEMENT**

### ***Historical background***

Irrigated agriculture has been well utilised in Uzbekistan since the end of 19th century (Kadirov, 1992). With the advent of settled agricultural clans dependency on irrigation had a positive influence on intertribal relations. Causes of conflict were either knowingly or non-knowingly eliminated with a change to water distribution via irrigation. In the past problems of water distribution led to occasionally violent conflicts between clans. In the beginning of irrigated agriculture a sequence of water use had to be elaborated, which could guarantee equitable distribution of resources. Internal logic of development of intertribal relations led to the appearance of a kind of water administration – mirabs and aksakals. Mirabs and aksakals were voted in by water users based on their experience in water management and status in the local community. Both officials could be replaced by water users if they performed poorly. Infringements of water usage conventions could be lethally punished by the armed mirabs, depending on the scale of misuse.

After the 1917 revolution irrigation management of Uzbekistan was handed over to a technical irrigation committee (Psarev, 1923). At the same time a new water law was introduced making a water enforcement service and water court responsible for conflict resolution. During the Soviet era the role of conflict resolution was taken on by central government located in Moscow. The responsible authority was a department in the Ministry of Agriculture.

As a result of the collapse of the Soviet Union in 1991 and the associated collapse of former collective farms -sovkhozes and kolkhozes- a vacuum in the water resources management arose (PA Consulting, 2001). In 2000 in Uzbekistan Water Users Associations (WUAs) were established. WUAs were created based on non-profit collective farms -shirkats- by a departmental edict of the Ministry of Agriculture and Water Resources. The legal basis of its establishment was clause No. 77 of Uzbek civil code about voluntary association. During formation of WUAs and development of legislative policy Uzbek government was guided by temporary recommendations prepared by the Ministry of Agriculture and Water Resources. In these recommendations legislative registration of WUAs was the only issue to be discussed. However the main recommendations concerning financial and economic activities were not developed and even today have not been resolved. As a result existing WUAs have not fully realized their true capabilities.

In addition to WUAs, which were established by Uzbek government, there are several WUAs formed by EU (TACIS) or the World Bank.

These and other international organisations supported Uzbekistan to gradually hand over the responsibility for operation and maintenance to farmers (TACIS, 1998). Within the framework of the structural adjustment programme experimental WUAs in several regions of Uzbekistan were established. The main aim of international organisations was to create a new organisational form of water management in Uzbekistan. However they did not take responsibility for the long term existence and functionality of WUAs.

### ***Ostrom<sup>3</sup>'s Institutional Criteria in the context of Uzbek Water User Associations***

This study is concerned with WUAs in the region Khorezm, which was selected within the framework of the German-Uzbek project. A WUA, as a common pool regime, should own some characteristics which, following Ostrom (1990), are beneficial to successful management of common pool resources. These are clearly defined boundaries, congruence between rules and local condition, collective-choice arrangements, monitoring, graduated sanctions, conflict-resolution mechanisms, minimal recognition of rights to organize and nested enterprises. In a study for the

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<sup>3</sup> Elinor Ostrom is a professor from the University Indiana, USA who has developed criteria worldwide used for the judgement of collective use of natural resources (Author)

Centre of Development Research (Bonn/Germany) this set of institutional criteria was checked by the author in the context of Uzbekistan via interview and participatory rural approach. Farmers delayed answers to questions about conflict-resolution. Farmers were disinclined to discuss conflict resolution as “conflict” was understood in a more military context. Conflict should be replaced during interviews by, for example, “problem”.

Internal problems were not openly discussed, because interviewees feared sanctions from administration. Thus further discourse often focussed on external problems. Conflicts inside the WUAs appear during the growing season or in summer, when water deficit is very high. Resolution of conflicts remain on the WUA’s level. The procedure of conflict resolution is also provided by statute of WUA. For example, in regulations for integration of water users and Water Users Associations in the article “Aims, rights and duties of Association” it has been stressed, that “WUAs have a right to fix and impose a fine and sanctions for offence against statute and contract liabilities” (Bocharin, 2000). Also if a WUA’s member repeatedly infringes legislative requirements for water access and water conservation regulations, this user will be sanctioned via termination of his rights and possible loss of membership. While still allowing access to common water resources, loss of membership will mean the withdrawal of rights and privileges.

The general meeting and the executive committee are in charge of approving sanction type and quantity for offences against statute and contract liabilities. The way in which conflict resolution mechanisms should work according to the written statutes of WUAs has been described above. In effect, as before, clan systems as well as favouritism play an important role. Furthermore, the current integration of farmer-organised water management in the context of Uzbekistan is an attempt to convert market oriented systems into non-market economy.

## CONCLUSION

In Uzbekistan, conflict-resolution mechanisms often exist only in the form of documents, regulations etc. and are not implemented in everyday interactions. Consequently in practice they are either neglected or simply do not work. In many cases the strongest, the quickest, the most impertinent (but well connected) users gain better access to water resources. This is non-sustainable. Instabilities in the administrative organisation of WUAs (i.e. the legislative basis of WUAs is very weak and loopholes exist) and informal rules as well as favouritism lead to misuse of resources. Even if valid information is lacking and a lot of research has yet to be completed, it is apparent that disorder is rife and it appears WUAs are not successfully orientated given present circumstances. Further research is required in this area.

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